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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/089,970

04/08/2002

Werner Burkhardt

442-140PCT/US

1147

7590

01/15/2004

Hoffmann & Baron
1055 Parsippany Boulevard
Parsippany, NJ 07054

EXAMINER

FOX, JOHN C

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 01/15/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089970

Applicant(s)

Examiner

Fox

Group Art Unit

3153

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/8/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 22-41 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 22-31, 35-41 is/are rejected.
- ☒ Claim(s) 32-34 is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

P r i r i t y under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 3753

This action is responsive to the communication filed April 8, 2002.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-23, 25-26, 28-29, 36, and 40 are rejected under 35 U.S.C. §102(b) as being anticipated by Wise (US 3,540,693). Wise shows a valve having a body 16 and end connecting bodies 12, 14 attached using nut and bolt connections 22 extending through the body 16 in bores 21, 23. Wise includes seals 48.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3753

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 27 is rejected under 35 U.S.C. § 103 as being unpatentable over Wise. The use of a self tapping thread in the valve of Wise is considered to be an obvious matter of design choice in view of the well known nature of threaded connections and self tapping threads.

Claim 35 is rejected under 35 U.S.C. § 103 as being unpatentable over Wise in view of Stoll et al (US 6,039,358). Wise shows the claimed invention except does not teach concealing the bolt or nut. Stoll et al show a connecting means using bolts which are concealed, see Figures 1 and 2, elements 36, 42. It would have been obvious for one of ordinary skill in the art to have used such a concealed bolt configuration as taught by Stoll et al in the valve of Wise to make for a cleaner installation, for example.

Claim 41 is rejected under 35 U.S.C. § 103 as being unpatentable over Wise in view of Holden et al (US 6,206,028). Wise shows the

Art Unit: 3753

claimed invention except for different connection means, which Holden et al show. It would have been obvious for one of ordinary skill in the art to have provided the valve of Wise with different connection means as taught by Holden et al to similarly be able to connect the valve to different conduits or connectors.

Claims 22, 30-31 are rejected under 35 U.S.C. §102(b) as being anticipated by Graham (US 3,563,265). Graham shows a valve with a body 12 and end connections 34 which are attached by a pair of projections 54 received in "wells" 46.

Claims 22, 24, and 37-38 are rejected under 35 U.S.C. §102(b) as being anticipated by Tarbox (US 3,513,876). Tarbox shows a valve system with supply and exhaust valves. The base, for example 200 in Figure 2, is read as part of the valve and includes a housing. Tarbox includes end connecting boards 62 and nut and bolt connections as shown in the drawings.

Claim 39 is rejected under 35 U.S.C. § 103 as being unpatentable over Tarbox. Tarbox shows the claimed invention except for a dummy

Serial Number: 10/089970

-5-

Art Unit: 3753

plate 62 but suggests a dummy or blanking plate in Figure 39. It would have been obvious for one of ordinary skill in the art to have used a dummy plate 62 so the fluid connections are only at one end.

Claims 32-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Examiner Fox at (703) 308-2595 or John.Fox@uspto.gov. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The fax number for TC 3700 is 703-872-9302. For responses after final the fax number is 703-872-9303. The Supervisory Primary Examiner for Art Unit 3753 is John Rivell who can be reached at (703) 308-2599 or at John.Rivell@uspto.gov.

Serial Number: 10/089970

-6-

Art Unit: 3753



JOHN FOX
PRIMARY EXAMINER
ART UNIT 3753

jcf
January 6, 2004